

Law Reports—Criminal Cause.

THE GREAT
WEAVER
RAPE CASE.

A complete History of the Remarkable
Charge of Rape against

J. D. WEAVER:

WITH THE

Verbatim Report of the Testimony of
CATHARINE E. LAHENNY

AND

SARAH McNEIL.

—
NEW-ORLEANS:

JULY, 1861.



THE GREAT WEAVER RAPE CASE.

Since the days when Adam and Eve held blissful court among the bowers of Eden, good and evil have occupied a conspicuous place in this world of ours. The tree of knowledge bore two distinct classes of fruit which have ever confronted each other as a relief and contrast. No human being is wholly good, and none is wholly evil, but between our highest and lowest types there is a wide, wide plain of social, moral and intellectual difference—a plain, at one extremity of which are the pleasant places of brotherly regard, and at the other the low and groveling haunts of sensuality.

In publishing the details of the "Great Weaver Rape Case," it is with no view of ministering to a depraved public appetite: on the contrary it is for the purpose of pointing out the corruption which exists in our social system in order that the statesman and moralist may apply a remedy. That there are men who delight in virtue and find no bondage in morality, proves at least that before our race is a high goal of possibility. But it is necessary, in order to have a clear comprehension of the position and relationships which men and women hold towards each other, that we shall know something of what is evil as well as what is good, for though the one be life's polar star, the other may serve as a perpetual beacon. To guide us we want the pillar of elond by day as well of flame by night.

Of all crimes in the catalogue of human frailty, there is none at which a properly organized manhood more instinctively revolts than that of a forced commerce between the sexes. To woo "as the lion woos his bride," is foreign enough to the gentle endearments by which the ties of human love are usually cemented, but to use more than beastly violence in the gratification of passion's fever, is worse than fiendish. Commerce, unless reciprocal, is unnatural, and the love which degenerates into lust is unworthy of the name.

The Weaver Rape Case is interesting, as it illustrates phases of human frailty and degradation which are usually hidden by the social mantle. In it there are three conspicuous characters—J. D. Weaver, the debauchee; Catharine E. Lathenny, the alleged victim; and Sarah McNeil, Weaver's house-keeper and principal witness. The first figures before the world as a *blasé* sensualist, the second assumes the mantle of outraged innocence, and the third appears as the apologist of a man charged with the grossest outrage that can be perpetrated against her sex.

But we will not here anticipate the testimony elicited before the Recorder, or in any manner prejudge the case. Our province in this connection is to detail the facts as we find them and leave to public opinion the rendition of a verdict.

THE CHICKEN FANCIER.

The arrest of J. D. WEAVER on a charge of rape awakened the recollections of the past against him and stirred the tongues of scandal to his prejudice. His name, in connection with another, who has been equally notorious in the walks of libertinism—has long been familiar to the public ear. Strange rumors are abroad of little girls who are decoyed into his premises—as was the unblushing girl who now acknowledges herself his mistress—to become the ministers of an unholy passion. In consequence of his licentious partiality for little girls, he has won for himself the title of Chicken Fancier. He is a man of medium height, rather inclined to corpulancy, and about fifty years of age. His face has a somewhat bloated look and over his cheeks and chin the skin hangs loosely, while his protruding eyes seem striving in vain to hide themselves amid the pursy folds by which they are surrounded. When speaking on amatory subjects his eyes beam out with a gleam of sensuality, and at other times they are marked simply by—

"A sidelong, never ceasing glance,
By doubt and cunning marked at once."

His hair is brown. On his lip he wears a dark moustache, which is trained with something of a coxcomb's care, and his whole appearance is that of a man who had prematurely passed his prime, and is condemned to *imagine*, when he would *react* the excesses of his youth.

Possessed of considerable means, variously estimated at from \$100,000 to \$300,000, he has for years past occupied the upper portion of a neat three story house at the North-east corner of Magazine and Natchez streets. Broad balconies, the whole width of the side walk, extend along both front and side of the dwelling, which has an open, airy, attractive appearance, as if no wrong or violence had ever been committed beneath its roof. Into the upper rooms six windows open, and when the watchman passes to and fro in the quietude of night, the slightest scream could be heard if uttered by one who shrank from a hated embrace, or prayed to be relieved from a deadly wrong. In the heat of summer nights our windows and shutters in New Orleans are not closely fastened, and the winds of heaven are always ready to carry a report bursting from the lips of woman, as the lightning from the cloud.

THE VICTIM.

Turn we now to the complainant in the case, Catharine E. Lahenny. In her testimony, Catharine sets down her age as twenty-three, but her appearance would indicate a somewhat more lengthened experience in the realities of life. Though far from being a beauty, she is not lacking in intellect, and her physical powers are considerably above the usual average. If fairly tested, her strength, we are inclined to imagine, would be found superior to that of many men. Her muscles are compact and apparently vigorous in tone, and it seems difficult to believe that Weaver could have mastered her in any effort, physical or mental.

Ireland, we understand, is Catharine's native place, but she spent many years in Scotland, and after her arrival in this country, she lived for a while in New York. Her New Orleans experience extends back about three years, and her ro-

putation here, as far as presented to the public, has been invariably good. She gave her testimony in a straight forward, independent manner, as if she had only the truth to say, and was determined that neither maidenly modesty, nor the wiley snares of experienced counsel, could induce her to swerve one jot or tittle. Questions of the most delicate nature were answered without a blush, and being without beauty she appeared to be equally lacking in that modesty which is beauty's chief ornament. Though Weaver is wholly without sympathy and under public ban, it is but justice to say that many suspect the action of Catharine as the outworkings of a deep laid conspiracy.

THE YOUNG HOUSE-KEEPER.

The girl, Sarah McNeil, stands before the world as "one more unfortunate," who seems to hug her chains and glory in the profligacy which has blasted her young life. During the terrible epidemic of 1853, both her parents died, leaving her a waif upon the surface of society. At the age of seven she became the child of Charity, and for the kindnesses then and since extended to her, she appears to retain a proper feeling of gratitude. With regularly moulded features and a quick intelligence, she—but for the misfortune which settled on her infancy—might have become an ornament to society and the "observed of all observers" among fashionable circles. There was a rich promise in her childhood, but being left without proper guardianship or maternal counsel, she readily yielded to the temptations which beset her path, and appears to be scarcely capable of realizing the condition of shame to which she has fallen. While we condemn, let us be just; pity her misfortune and reserve our ire for the heartless profligate who in weaving the web of her destruction, blighted so fair a flower.

As the principal witness for the defence, this girl—just now in her sixteenth summer—attracted no little of attention. Admitting herself to be the mistress of Weaver, she told the story of how Catharine came to the house, and with kisses, not coyly yielded, encouraged the advances which he seemed by no means unwilling to make. Considering the comparative physical powers of the prosecutrix and the accused, Sarah's story is much more in consonance with the theory of probabilities than that detailed by Catharine. In some things however, Sarah does overstep the bounds of probability, and particularly in her assertion that since the arrest of Weaver she has had no conversation with him relative to the case. By some this will be set down as a mark of that fidelity which is constant in the midst of wrong—a fidelity which even the deceived can sometimes entertain towards a deceiver.

POPULAR FEELING.

As soon as rumors of the case were noised abroad, popular feeling became aroused to a high pitch against Weaver. It was indeed feared that he would be seized and become the victim of public vengeance, for even men of wealth and standing in society joined in the hue and cry against him, and demanded that a stop be put at once and forever to the licentious improprieties which common rumor charged against him. Popular indignation seemed still more exacting after Weaver's successful application to be admitted to bail, and but for the interference of the police there is no knowing how far matters would have been carried.

LOOKING FOR JUSTICE.

About noon of the same day on the morning of which the outrage is alleged to have been committed, Miss Lahenny, with a flushed face, might be seen walking hurriedly down Canal street, followed by a man whom she now recognizes as Weaver's brother. Some days previously, she had been getting some dental operations performed at the office of Dr. Clark, corner of Canal and Baronne streets, and she concluded to go into the doctor's office, in order to avoid the espionage to which she considered herself subjected. When there, she ascertained the street and number of counsellor Coleman's office, and went forthwith to advise with the counsellor relative to her best course under the circumstances. The counsellor questioned her closely, ascertained from her that she was strict in her religious exercises, and considering from her story that a great outrage had been committed against her and society, advised her to go next day and make a formal charge against the man—then unknown—who had been guilty in the premises. In accordance with this advice, Catharine presented herself on the 24th of June before Mr. Jones, the accommodating Clerk of Recorder Emerson, and made the following

AFFIDAVIT:

STATE OF LOUISIANA—FIRST DISTRICT—CITY OF NEW ORLEANS.

The State, }
vs. }
Parties to be pointed out. }

Personally appeared before me, WILLIAM EMERSON, Recorder of the First District of the city of New Orleans, and Justice of the Peace, duly commissioned and sworn, CATHARINE E. LAHENNY, No. 17 St. Louis street, who, having been duly sworn, doth depose and say, that on Friday, June 21st, 1861, at about 4 o'clock, A. M., in a certain house, situated at the corner of Magazine and Natchez streets, in this District and City, a certain man, whose name is unknown to deponent, but whom she will point out to the police, did, by force and violence, commit a rape upon the person of deponent. Wherefore deponent charges the said person, whom she will point out, with the crime of rape, contrary to the statutes and against the peace and dignity of the State, and prays that he be arrested and dealt with according to law.

her
CATHARINE E. LAHENNY.
mark.

Sworn to and subscribed before me, this 24th day of June, 1861.

W. EMERSON,
Recorder of the First District.

On this affidavit a warrant was forthwith issued and placed in the hands of officer Moynan and in an hour or so afterwards Weaver was a prisoner, occupying a cell in the First District Lockup. How he liked the change from his own luxurious couch to the wooden mattrass of the calaboose is not on record, but it is probable that his reflections during the night were not of the most agreeable character. Possibly he may have spent the midnight hours in a mental review of his past career, and his amatory and financial successes as a broker may have lost something of their importance in the reflection that "the way of the transgressor is hard."

APPLICATION FOR BAIL.

On the 26th of June, the second day after Weaver was arrested, the girl Sarah McNeil, was taken to Recorder Emerson's private office, in company with Weaver's counsel, Col. Field, and made an affidavit, setting forth the manner in which Catharine E. Lahenny went to Weaver's premises and the nature of her conduct while she remained there. The statement exactly corresponds with that subsequently made by Sarah, when examined as a witness for the defence, and which may be found in another portion of this work.

On the strength of this affidavit Col. Field applied to the Recorder to admit his client to bail. But the Recorder declined and copies of both affidavits were taken to Judge Collins, of the First District Court, and the Judge, after a careful examination of the matter, endorsed Miss Lahenny's affidavit as follows:

In this case, it appearing that the proof is not evident nor the presumption great, it is ordered that the accused be bailed, and that he do give bond in the sum of three thousand dollars, with two good and solvent securities, to answer the charge herein according to law.

T. WHARTON COLENS,

Judge 1st Dist. Court.

New Orleans, June 26th, 1861.

In accordance with the above order the prisoner was admitted to bail on the 26th of June with J. M. Fisk and Weaver's brother as securities.

THE COUNSEL.

The able counsel employed both for the prosecution and defence tended to increase the interest which the public felt in the investigation. For the prosecution, the classic and experienced Counsellor Coleman was employed, with that eloquent and erudite pleader, Counsellor Blocker, as his associate. As conductors of the case on behalf of the State, these gentlemen received the sanction and support of our able District Attorney, M. M. Reynolds.

The defence was entrusted to that skillful criminal lawyer, Col. Field, who, it is said, received a fee from the accused of \$1000. No man is better able to sift out the weak points of a case and parade them before a court and jury with a telling though cumbrous eloquence than the venerable Colonel.

EXAMINATION OF THE CASE.

The examination of the case before Recorder Emerson having been fixed for Wednesday, the 3d of July, with the understanding that it was to be taken up immediately after the dock prisoners and other petty cases were disposed of, it was called about the hour of noon. The impression on most minds was that it would be concluded in a few hours, and very few, even of those who knew the particulars of the case and the slow progress of legal investigations, at that time imagined that it would wind its tedious way into the following week.

The time fixed for the examination had not been published in any of the daily papers, probably from a desire to avoid as much as possible crowding the court room in such warm weather. Indeed, beyond the mere announcement of Mr. Weaver's arrest at the time and the fact of his having furnished bail, the press had abstained from any reference to the case whatever. From this cause the subject was not generally known in the community, but yet there were a considerable number of gentlemen who had learned that the investigation was to come off, and consequently when the time came every available seat in the court room was occupied by an interesting listener while the space behind the railing was crowded by those who could not obtain seats.

The large space railed in on the right of the magistrate's bench for the officers of the court was invaded by the superior officers of the police and other privileged characters, and even the Cerberus of the reporter's department, on the left of the Recorder's seat, could not prevent its being invaded and taken possession of by the eager people. It was curious to look upon this gaping crowd and watch the play of their facial muscles. Their eyes fixed intently upon the witness and listening in utter silence to catch every word; there was a peculiar glistening of the eye and expression on the features of most, difficult to be accounted for, unless, perhaps, the piquant nature of the intellectual repast they were devouring. Quite overlooked and unnoticed in the body of the hall, seated on a bench near the middle of the crowd, with a negro woman on one side of him and a decrepid old man on the other, sat the special reporter engaged to report the trial for this publication, quietly taking down every word uttered, in stenographic characters on the backs of old letters and unsettled bills. And it may be a matter of some interest to those not familiar with the wonders of short-hand writing, to remark here, parenthetically, that the whole of the testimony, in questions and answers, that forms the principal part of this print, was contained on the backs of only five letters.

THE WEAVERS IN COURT.

Mr. Weaver came to the court with Sarah and his brother and several gentle- men friends. His counsel, Col. Field, took his seat on the left end of the green table used by members of the bar and fronting the clerk's desk. Weaver took a chair on the left of his counsel and clasping his hands on his lap he cocked both of his legs up, supporting his feet against the railing and leaning back on his chair. In this easy, comfortable and nonchalant position he remained during all the time of the examination both on this and on subsequent days. He evidently assumed an independent air like that of a man who took very little interest in what was going on and thought the whole affair was very trifling though something of a bore. In this position he was directly vis-à-vis with the witness chair and only a few feet from it. His back was toward the body of the hall and the only ones who could look in his face were the Recorder, witness and the people who were within the officers' inclosure. This was a feature that doubtless pleased him much although his features were too well schooled to betray any of the emotions within him and even in the most trying moments, when the minutest details of his debauchery were being revealed, his countenance was calm and unmoved.

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His brother showed more signs of interest and uneasiness. The first day he got up where the railing of the reporters' enclosure joins the clerk's desk and sat down there on the side bench. He had come provided with a copy of the New York Daily News folded up into convenient size, which he held in his hands and pretended to be quite absorbed in. But he must have been either such a poor reader as to have to spell out every word or else he thought very little of what was on the paper for he never once turned it over. And occasionally he would forget to keep his eyes on the paper while he was listening to the testimony, but would suddenly raise them to the witness chair. When Catharine came to that part of her testimony where she was followed by him on the street, she knew where he was sitting although his head was then below the top of the clerk's desk and pointing directly to the spot she signified him by the words: "That little man over there with spectacles on?" Of course every one in the court room stretched their necks to see him, at once, for it was the first reference that had been made to him, and he became the cynosure of every eye. For a moment he pretended to be perfectly absorbed in his paper and then suddenly looking up he gazed at Catherine with mild wonderment as much as to say: "Oh, my dear, there must be some mistake about it."

ALLEGED INTIMIDATION OF SARAH.

Sarah did not remain in the court-room during the examination of Catharine, although she had come there to give her testimony against her for Catharine's counsel, fearing that Sarah would frame her rebutting evidence according to the testimony for the State, asked the Court to have her kept in a separate room where she could not be approached or hold conversation with any one. Recorder Emerson accordingly ordered her to be kept in officer Robinson's office, on the floor below, and here she seated herself and remained during Wednesday afternoon and evening there not being an opportunity that day for calling her to the chair. Officer Moynan, one of the executives of the Court, had charge of her. Several persons came into the room at different times while she was there, and it has been alleged, though without cause probably, that an attempt was made to intimidate her. Certainly, officer Moynan would not have permitted such a thing. The Daily Bee, of the 4th of July, in its local column, had the following words on this subject:

"We are informed that Mr. Beggs also entered the room where Sarah was being kept, preparatory to her giving evidence in favor of Weaver, and among other remarks said Mr. Weaver, and every one who testified in his favor, were going to be hung. This was highly wrong, and Lieut. Boylan told us if he had been present either time he would have arrested Mr. Beggs."

Mr. Blocker sat next to Col. Field at the lawyers' table, on his right, and Mr. Coleman was seated next to him. While Catharine was in the witness chair she sat as calmly and unmoved as though she were among a party of friends relating to them something that did not concern her hardly at all. At first both the counsel and the court had to enjoin her repeatedly to speak louder as her words could hardly be heard with any distinctness at a radius of six feet, but this did not appear to arise from any timorousness but from weakness of voice or from having acquired the habit, at home, of speaking in a soft and light tone. Every once in awhile she would lean over, resting her arms on her lap, to give the words of her relation clearly to the clerk who was taking them down in writing. During no part of the time did she appear the least agitated or even moved by the recital of her wrongs and when she was being cross-questioned regarding the minutest details of the violation of her person she did not blush or lower her gaze from the counsel's penetrating eye, nor did her lips quiver or her voice tremble.

These facts are merely recorded as an integral portion of the history of the case; not by any means to furnish an inference that it formed an indication of lewdness or brazeness of disposition.

She gave her testimony clearly, boldly, and without the least hesitancy, never stopping a second to reflect or to call up a word or a thought. During the entire

extent of her lengthy cross-examination no one could have wanted prompter or readier answers. There was a quiet but serious and earnest look in her eye and the effect of her testimony upon every one in the court-room was, that he was either speaking "the truth, the whole truth and nothing else but the truth," or else that she must be a most consumate, artful and accomplished villain, to maintain such a relation of facts and stand unflinchingly such a searching cross-examination without contradicting herself on the most trivial points.

With these remarks we will proceed to the testimony she gave. At first she was about to commence and tell the whole story without stopping but after being instructed by counsel and the court she soon accustomed herself to tell one sentence at a time and wait until the clerk had written it down and read it over to see that he had taken it correctly. Although giving the relation in this disjointed manner she never lost the thread of it but kept on in the regular succession of events. After having been duly sworn she testified as follows:

CATHARINE MÉETS WEAVER.

On the 20th of June, I met Mr. Weaver on Chartres street, and he asked me if I required a situation. I asked him where it was. He said it was in his house. I asked him if there was a madame in the house. He replied no, but that he kept two servants. I told him I did not wish to go anywhere where there was not a madame. He said the girl he had did not wish to live alone; that he wanted to get another girl. He told me that his business did not allow him to go to the intelligence offices or to advertise. He told me that there would be no harm in my speaking to the servant in the house and she would give me the particulars. He told me the house was on the corner of Natchez and Magazine streets, and asked me to come to his office at three o'clock, when he would be there and would either go with me or send to the adjoining house to see the servant.

I went to his office at three o'clock and he sent his colored boy up stairs with me. As I went up stairs I met the servant girl in the door. I asked her if she was the servant I was sent up to and she said yes. I do not know her name except that she called herself Sarah. I recognise the girl Sarah now in court as being the person. The girl told me to come in and sit down and she would explain the situation to me. She told me the situation was a good one.

SHE FINDS A NICE SITUATION.

Mr. Weaver came up and the first thing he asked me was, had I any friends. I told him no, my friends were all in Europe. He asked me if I thought I would take the situation. I told him I did not know. He asked Sarah how she would like me for a fellow servant. Sarah said she liked my appearance very well. She thought I was a decent girl. I told him I thought the work was very little for two servants. He asked me if I could sew. I told him I was a very good sewer. He said that he would live in a hotel but that he was getting old and that his business compelled him to live on his property. His office and residence were there together. He told me that his son had gone with the army and that as soon as he returned the work would be much greater. Mr. Weaver went out then.

Sarah told me she had lived three months in the place and had no fault to find with it, except that she was so lonesome. She wished me to take the situation, and I said I would. I told her I would come on Monday, but she insisted on my sleeping that night as she was so lonesome for Mr. Weaver went out that afternoon. It was after dark when Mr. Weaver came in that evening. I told her I would like to go away but she said that Mr. Weaver had the key of the office and I would have to go through the office to get out.

WOLVES IN SHEEP'S CLOTHING.

On his return, after night, Mr. Weaver commenced to lecture from the scriptures. He lectured about wolves that went about in sheep's clothing, seeking

whom they might devour. Next he lectured about the good Samaritan. He talked a great deal about the deception of mankind. Next he commenced singing hymns, such as are sung in divine service. Sarah asked him if he did not sing in the choir of the Catholic church and he said yes.

He left the room and went out into another part of the building. I then helped the girl to draw the ~~door~~ of his bed. She told me that she slept in that bed one night. I asked her where Mr. Weaver slept then and she said he slept in the St. James Hotel. He then came in and told Sarah and myself to go to sleep in that bed. I asked him where he was going to sleep. He said he was going to sleep on the sofa. I told him I would not sleep in the room; that I would sleep in the other room that had a bolt on the door. He insisted that I should sleep in his bed. I told him I would not, that I would sleep in the other bed. I rose to go to the other room but Sarah would not come with me.

WEAVER IS STRICTLY RELIGIOUS.

I met Mr. Weaver in the door. He told me the other bed was not fit for a stranger to sleep in; to spare his feelings and that it would be seen to next day, but to sleep that night in his bed. I went to bed with Sarah under the condition that he was to go to the St. James to sleep.

He left the room and went out on the outside building where he commenced saying his prayers. He walked up and down the hall with his hands clasped together, praying so loud that all the neighbors could hear him.

Question interposed by Col. Field: Did the neighbors hear him?

Witness, (with amusing naïveté): They could if they were near enough.

Witness continuing her own relation: I asked Sarah if he always prayed that way. She said yes, he was strictly religious. I told her I was very sorry to stay that night. She told me I had nothing to dread for he would not harm a child. After sometime he came into the room and threw himself into the middle of the bed, between the girl and myself. I told him that he had promised to go to the hotel. He swore by the bloody bones and sacred law^s of Jesus Christ that he would not touch or harm myself or the girl.

HE PREFERENCES ST. CATHARINE TO ST. JAMES.

He asked me what I was afraid of and it I thought anything improper would take place when there was another girl in the bed with me. The girl made use of the very same words. He laid very quiet for an hour without moving and I was afraid I would fall asleep. I pretended for about three-quarters of an hour to be asleep to see if the others would go to sleep. Mr. Weaver did not go to sleep but I cannot say about the girl. He then put his hand up under my clothes. I sat up in the bed and struck him with my left hand. I wanted to get out of the bed then and I commenced crying. I sat up in bed for sometime but I was afraid if I went out he would take me away from the girl.

He swore that if I would cease crying he would not touch me. He swore that he would cut his arm off before he would do me harm. He put his arm around my neck and pulled me down into the bed. He did not use any violence then but just only held me. He lay for some time holding me in that position. Next time he thought to get possession of me but I did not allow him; I was too strong for him. Sometime after that he tried the same. I did not allow him; I was too strong for him. I called upon the girl.

LE FAIT ACCOMPLI.

He kept me down in that position until I was perfectly exhausted with his and my own perspiration, he held me so close to him. I could have wrung out my clothes with the sweat. About four o'clock in the morning he awakened the girl and said something to her. The girl got out of bed and went out of the room. Mr. Weaver got on me then. He said I might have as much as I liked, the

girl had gone to the adjoining building. At that time he was too powerful for me and accomplished his ends from the position he got me in.

Mr. Coleman. What do you mean by his accomplishing his ends?

Witness. Why he committed the rape upon me, sir.

Mr. C. Describe his position and yours.

Witness. He had hold of me with one arm around my neck, threw himself upon my chest and then threw himself all down upon me. I wanted to prevent him with my hand but he took it away twice. I got the other arm at liberty from him at one time but he was so close to me I could not help myself. I hallooed out but he said I could not help myself, that I might halloo as much as I wanted. When he was done he went out and brought the girl into the room. The girl got into the bed and commenced fanning him, he lying in the bed.

TEARS OF MORTIFICATION.

I went into another room and commenced to dress myself. Sometime after that the girl came into where I was. I was crying and she asked me what was the matter with me. I told her I believed she was a poor degraded thing and that I had been ruined by her means. She told me not to blame her for she had to do everything Mr. Weaver told her to do, just as if she was his child. She said that every day girls came in the same way and were taken in.

Mr. C. Did you sleep at all during the night?

Witness. No sir.

Mr. C. Did you make exertions to get out of the house?

Witness. I asked Mr. Weaver and the girl several times to let me get out. Sarah made some coffee for Mr. Weaver and brought it to him. She said that after a few minutes he would rise up. I could not get out of the house until about two o'clock, when the newsboys were calling out the evening papers, as Mr. Weaver had the keys. He came into the room and frightened me as he was perfectly naked. He said to me, was I not a pretty girl to advise his girl to leave him? I answered that I thought it was only charity to her to do so. After he got dressed he opened the door and let me down stairs.

A VERY ACCOMMODATING BROTHER.

The first person I saw when I got out was that man there (pointing to the brother of the accused, who was quietly reading a copy of the New York News, and who looked up at the witness through his gold spectacles from the lawyers' table in apparent astonishment); I believe he is Mr. Weaver's brother. He followed me until I went into Dr. Clark's dentistry office at the corner of Baronne and Canal streets. When I went in there the two doctors asked me what was the matter. I said there was a man following me on the street and got one of them to go out and look for me. They said that a man following me on the street would not make me look that way. I was alarmed when I left Mr. Weaver's house and being followed on the street made me more alarmed; I was crying too. I got them to find the location of Mr. Coleman's office for me in the directory.

Mr. C. Was there any blood upon your clothing after the perpetration of the outrage?

Witness. There was, sir.

Mr. C. Was there any blood upon the bed?

Witness. When Sarah came in she said, "Oh what——"

Mr. C. and Col. F., interrupting—Never mind what Sarah said, only tell what you saw yourself.

Witness. I saw two spots of blood upon the bed where I had been lying.

Mr. C. To whom did you communicate the facts and when did you make the affidavit?

Witness. I told you all when I went to your office that evening, about half an hour after leaving the house, and I made my affidavit in court the next morning.

Mr. C. Have you spoken of the affair to anyone else?

Witness. The only other person to whom I communicated the facts was a female friend and I told her one day after Mr. Weaver's brother came to the house where I resided and peeked threw the keyhole when I called out to my friend in great fear: "Don't let him in!" The clerks on the opposite side of the street were laughing at it. The woman, who is the cook and has charge of the house, was there with me.

Messrs Coleman and Blocker having signified that they were through with the witness, Col. Field proceeded to

THE CROSS EXAMINATION.

Col. F. Where do you live?

Witness. At No. 17 St. Louis street, between Chartres street and the Levee.

Col. F. How old are you?

Witness. I am twenty-three years of age, as nearly as I can remember.

Col. F. How much do you weigh?

Witness. I cannot say; I was weighed last summer but do not recollect how much I weighed.

The counsel pressed this question very closely upon her, asking severally, "do you weigh 100 pounds, 110, 120, 130, 140, 150,?" to each and all of which she answered that she could not say.

Col. Field. How long since you came to this city?

Witness. About three years ago.

Col. F. Where did you come from?

W. New York.

Col. F. Who did you live with when you first came here?

W. With the family of Mr. Coeler, on Baronne street.

Col. F. Where did you go next?

W. I went to live with the family I live with now.

Col. F. Did you live nowhere except with those two families?

W. I boarded for about a fortnight with a lady downtown, opposite Washington Square.

Counsel questioned her very closely as to the name of the lady, her business, and how witness got acquainted with her, and to a variety of questions with this tendency she answered to the following effect:

OVERHAULING THE PAST.

Witness. I do not recollect the name of the lady. I became acquainted with her through a lady and gentleman, Mr. and Mrs. Steiger from New York, whom I had known in that city. I met Mr. and Mrs. Steiger on the street. Do not know the name of the street, having been a stranger in the city at that time. I do not know where I was going at time as it is so long since. It was in the afternoon I met them, as near as I can recollect. I saw them once or twice afterwards. They came to see me at this lady's house. They took me to the house the first time I met them and I then engaged board there. I do not know where they staid. Mr. Steiger was a carpenter by trade. As well as I can recollect it was in September, two years ago, that I went to the house. I got acquainted with Steiger in Fifth Avenue, New York. They came to see me in 26th street, near Fifth Avenue. I lived at Mr. Ether's, who kept a carpet store on Broadway. I lived in New York, about twelve months. I lived in Fifth Avenue before I went to 26th street. I lived at no other place in New York. I have been all through New York but never lived in any other place. I know where the St. Nicholas hotel is. I boarded there last summer with a family that I was traveling with.

THE STEIGERS IN NEW YORK

I got acquainted with the Steigers through some friends in New York. They lived in the lower part of the city. It was a dress maker who made me acquainted with the Steigers. I do not know where the dress maker lived. I was

made acquainted with this dress maker through some servant girls, being a stranger in the country. I suppose Mrs. Steiger was an intimate friend of the dress maker, who considered her very respectable. I was in company with Mr. and Mrs. Steiger and the dress-maker on Catharine street when we were introduced. The house on Washington square, where I boarded, was a small tenement such as poor people are in the habit of occupying. The house was on the left hand side of the square as you go to the Courthouse.

The subject of this boarding house and Catharine's acquaintance with the Steigers and her previous life was investigated in this searching manner apparently with the view to lay bare her past history and thereby obtain a clue if possible to some event or circumstances that might throw a doubt upon her purity and virtue, even if not to prejudice her case in the preliminary examination to furnish grounds for learning something of her derogatory in its nature that might be brought against her on a jury trial. The regular cross-questioning was then resumed.

LEGAL PIT-FALLS AND WITNESS TRAPS.

Col. Field. How and where did Weaver first accost you?

Witness. He came by my side on Chartres street, about one or two o'clock and spoke to me. It was between Beinville and St. Louis streets, as I believe. There was no one with me.

Col. F. Where were you going?

W. I was going home. I had been in the Intelligence Office kept by a Mr. Murphy.

Col. F. Did he walk with you?

W. He only spoke to me. He did not walk with me; he walked on before me.

Col. F. What were his words?

W. He asked me did I require a situation or did I know a respectable girl who did. He told me he lived at the corner of Magazine and Natchez streets, above the drug store. He told me if I made up my mind, to come there at three o'clock.

Col. F. Did you tell the woman where you went?

W. I didn't tell her where I was going. She was in delicate health and had company with her at the time. She had a child about a month old.

Col. F. Did you find the place without any trouble?

W. I did not know where Natchez street was but I knew where Magazine street was and I found the place easily because I can read.

Col. Field. Can you write also?

Witness. Yes sir.

Col. F. When you met Mr. Weaver did you ask him his name?

W. No sir. I went right up stairs as he had given me the direction, into his office. I found Mr. Weaver in his office.

Col. F. What time was it?

W. It was about three o'clock.

Col. F. How many pair of stairs are there above the office?

W. I think there are two short flights.

Col. F. Did he go up stairs with you?

W. No, he sent his colored boy up with me, and there I saw the girl.

Col. F. Did you go inside of a room?

W. The girl took me into the bed-room?

Col. F. How many bed rooms were there?

W. I saw two bed rooms. It was the front room the girl took me into. There is a large verandal in front of the room on Magazine street. It affords a view of Natchez street. I walked out on the gallery after it was dark. I went out through the window accompanied by the girl. There are six windows in the room I think. This is the room I went to bed in.

These answers were given in reply to close interrogatories concerning the position of everything in the rooms. The witness answered with great promptness and collectedness.

RECONNOITRING THE MAIN FACTS.

Col. Field. What time did you go to bed?

Witness. I do not know what time it was: I had no time piece. I suppose it was about ten o'clock.

Col. Field. Did you have supper with the girl before you went to bed?

Witness. No sir.

Col. Field. Did you not eat two meals in that house the first day you went there?

Witness. Yes, I eat tea and supper there.

Colonel Field. Did Weaver eat with you?

Witness. He did not.

Col. Field. Who cooked the supper?

Witness. The girl did.

Colonel Field. Where did she cook it?

Witness. She cooked it in the kitchen.

Col. Field. Were you with her all the time?

Witness. I was down in the kithen a part of the time with the girl, and a part of the time in the dining room.

Col. Field. When did you get through tea?

Witness. It was not dark when I got through.

Col. Field. Did Weaver come into the room after you came in from the gallery?

Witness. Yes, he came in after it was dark.

COMING DOWN INTO PARTICULARS.

Col. Field. When you came in, did you sit down on the sofa?

Witness. When I first came in, I sat down on the sofa. I do not know what I sat down on when I came in from the gallery.

Col. Field. Did not Weaver and you sit on the sofa together?

Witness. No sir.

Col. Field. Did you not undress in that room?

Witness. Yes, and so did the girl.

Col. Field. Did you have a night-gown there with you?

Witness. No, I had on a chemise and petticoat.

Col. Field. Did the girl sleep in a night gown?

Witness. No, she did not.

Col. Field. How does the bed stand?

Witness. The foot of the bed was towards the windows that open upon the gallery.

Col. Field. Were the windows up?

Witness. They were not up at the time I went to bed. I saw the girl shut them down.

Col. Field. How are they let down? By hand or by weight?

Witness. I am not certain which.

Col. Field. Was there a light in the room when you went to bed?

Witness. There was a candle light.

Col. Field. Did you not engage in singing with Weaver before you went to bed?

Witness. No sir, I did not.

SKIRMISHING BETWEEN THE OUTPOSTS.

Col. Field. How long after you got into bed was it that Weaver got in?

Witness. About an hour after.

Col. F. Was the light still burning?

Witness. I think the girl had taken the candle out.

Col. F. Did not Mr. Weaver ask you if you wished a light burning in the room?

Witness. No sir.

Col. F. Were you awake when Weaver come into the room to go to bed?

Witness. I was.

Col. F. Did you see him pull off his clothes?

Witness. No sir.

Col. F. Was the bed small?

Witness. No, it was a large one.

Col. F. Did you see him when he came to the bed?

Witness. No, he was on the opposite side of the girl

Col. F. Did you see him when he threw himself into the bed?

Witness. I did.

Col. F. Was there a mosquito bar to the bed?

Witness. There was.

Col. F. Did you see Weaver raise the bar?

Witness. I did not see him raise the bar until he threw himself into the bed

UNDER THE MOSQUITO BAR.

Col. Field. Was there room enough for him between you and the girl?

Witness. He pulled the girl away and threw himself in the middle of the bed

Col. F. Which side were you on?

Witness. I laid on the side of the bed next to the hall.

Col. F. Was he undressed when he threw himself into bed?

Witness. I don't know, he laid quiet then.

Col. F. Did he cover himself?

Witness. No there was only one sheet on the bed

Col. F. Did he get under that?

Witness. I don't know whether he did or not.

Col. F. How long did he lay quiet?

Witness. About an hour.

Col. F. Did he not take any liberties during that time?

Witness. No sir.

Col. F. What was your position in the bed?

Witness. I was lying on my side when he got into the bed; my face was toward the hall, and my back toward him.

Col. F. And how was Weaver lying?

Witness. I think he was lying on his side, facing me.

Col. F. Did he change his position during that time?

Witness. Not as far as I know.

WEAVER'S HIGH PRINCIPLES.

Col. Field. During that time did he put his hands over you at all?

Witness. He did not.

Col. F. Was he touching you at that time?

Witness. He was not exactly touching me.

Col. F. How long did you lie in that position?

Witness. For about three quarters of an hour.

Col. F. At the expiration of the hour what did Weaver do?

Witness. He put his hands under my clothes.

Col. F. When Weaver got into bed did you get out?

Witness. No sir.

Col. F. What did you do then?

Witness. I said to him, go to the St. James. He replied, you must think me very unprincipled to do you anything wrong with another woman in bed with you, and he swore by everything sacred he would do nothing wrong to me.

Col. F. Did you not know there was a bed in another room?

Witness. I did.

Col. F. What did you do when Weaver put his hands under your clothes?

Witness. I started up in bed and struck him.

WEAVER APOLOGISES.

Col. Field. What did he do then?

Witness. He apologised. I was afraid to get out of bed for fear he would take me away from the girl.

Col. F. Did you see any arms or weapons in the room?

Witness. No sir.

Col. F. Did he threaten you?

Witness. Not then.

Col. F. Did he tell you you should not get out of the bed?

Witness. No, but he held me by the right arm, his arm being around me.

Col. F. How long did you sit up in bed?

Witness. About fifteen minutes.

Col. F. Then what did he do?

Witness. He put his right arm around me and pulled me down into the bed.

Col. F. How did you lie then?

Witness. I laid on my side when he pulled me down but he turned me toward him so that I laid with my face to him.

Col. F. Did he still have his right arm around you?

Witness. Yes sir.

Col. F. What was he doing with his left arm?

Witness. He was doing nothing with it at that time.

Col. F. How long did you lie that way?

Witness. I laid with my face to his face about twenty minutes.

THE FIRST ATTEMPT AT RAPE.

Col. Field followed with a series of questions having for their purpose to obtain from the witness an explicit account of the first and unsuccessful attempt of Weaver to effect his purpose. Her answers to these were to the following effect:

After the expiration of these twenty minutes, Weaver threw himself on top of me. He then turned me upon my back. I don't remember whether he used his hands in turning me, I was so much excited. He lifted up his clothes with one of his hands and I put them down with my hands. He let me loose with his hands and leaned on my chest. He then lifted up my clothes and I put them down again. I had the free use of my hands at that time. He did not hold them. He found I was too strong for him at that time and he used no violence. He then got off of me. I asked to get out of bed for a drink of water and he would not let me.

Col. F. How did he prevent you?

Witness. He held me still with his arm around my neck.

Col. F. How did you lie when he got off of you?

Witness. I do not remember whether I laid on my back or side.

THE SUCCESSFUL ATTEMPT.

Col. Field. What time was it when he committed the rape upon you?

Witness. It was about daylight; sufficiently so to see a person walk.

Col. F. Did he awaken the girl first?

Witness. Yes, sir.

Col. F. Did he speak to her?

Witness. The girl got up and he said a few words to her.

Col. F. What were his words?

Witness. He said: "You disobeyed me."

Col. F. What did the girl do then?

Witness. She went out of the room.

Col. F. Did you not ask her to stay?

Witness. I told her not to go out of the room. When she got up, I said, "I'll get up, too," but he would not let me.

Col. F. How did he prevent you from getting up?

Witness. He prevented me by the hold he kept on me.

Col. F. How soon after the girl left the room did Weaver make the last attempt?

Witness. The girl was hardly out of the room when he threw himself on me.

Col. F. Did you try to get up then?

Witness. No, because I could not.

Col. F. You made no effort then to get up?

Witness. I was attempting to get up in the bed and he threw me down.

Col. F. Was that after he got on you?

Witness. No, it was then that he got on me.

CONSUMMATION OF THE OUTRAGE.

A series of pointed interrogatories from the counsel then elicited the following description of the rape from the witness.

He could not do much for some time. He laid straight on me. He had his arm around me and kept my left hand to one side of me. He lifted up my clothes with his left hand. I put down my hand but had not the power to put down my clothes. I put down my hand again, but he laid so close to my person that I had no use of it. When he threw himself down on me he went between my legs. He opened my legs with his left hand in getting on me. After he was on me for some time I lost all presence of mind. It was at this time the rape was committed, I hallooed for the girl. I was in such agony and pain I do not know how long he remained on me. I had hallooed for the girl before that. He told me I might halloo as she had gone to the adjoining building.

Col. Field. What time elapsed before the return of the girl to the room?

Witness. I cannot tell what time as I had lost my presence of mind.

Col. F. How did she return?

Witness. Mr. Weaver laid in bed awhile and then got up and brought the girl into the room.

Col. F. What was it you were hallooing?

Witness. I hallooed for the girl and I hallooed; "For God's sake let me out!" I recollect nothing after this.

At this stage of the proceedings, about three o'clock, the Recorder remarked that it was getting pretty late and it did not appear to him that the counsel would get through with the witness for some time. Col. Field said he thought he could finish his questions in a short time. Recorder Emerson said that he had been sitting since nine o'clock in the morning and was very much fatigued; the examination might be postponed until five o'clock in the evening and then, having several hours before them, they could go on with it until it was completed. The counsel assented to this proposition and the Recorder declared the case continued until five o'clock P. M.

POPULAR INDIGNATION.

The crowd in the court-room now slowly unwound itself out of the door and down the stairs. When it had nearly dispersed into the street and while there was but about half a dozen people standing in the hall on the ground floor, Weaver came down stairs a short distance in advance of his counsel. There had been some very animated conversation among the people in the court room after the adjournment, and sentiments of deep indignation expressed against Weaver, but it was not loud enough to attract particular attention and the object of it himself was perhaps unaware of its existence or strength.

Weaver had reached the bottom of the stairs and was passing through a knot of three or four gentlemen in the side hall, at the Lafayette street doorway, when one of them, Mr. James Beggs, confronted him and exclaiming; "Take that, you damned old scoundrel!" slapped him across the face with the back of his hand, just as Weaver had looked up to see who it was addressing him in that manner. Weaver staggered back one step, a look of wild alarm crossing his features, as if the thought had flashed upon him that it was the intention of the crowd to execute lynch law upon him. Then turning quickly he started for the door and as he did so Mr. Beggs advanced two or three steps and give him a vigorous kick in

the seat of his pants that seemed almost to lift him off of his feet. Weaver darted out of the door, turned quickly to the right and ran up to St. Charles street at the top of his speed. Col. Field advanced toward Mr. Beggs and said to him: "I observed you, sir." Mr. Beggs replied to him: "Very well, sir, I suppose you did," and then turning to the other gentlemen, who were laughing at the ludicrous nature of Weaver's discomfiture, he remarked, rather excitedly: "The villain! he follows married ladies about the streets." (Referring, of course, to Weaver.)

Shortly after five o'clock in the evening Weaver was in his seat in the court-room, and his counsel were present. Catharine and her counsel came in and Sarah returned to her seat in the clerk's room. The Recorder was somewhat late and the examination did not go on until nearly six o'clock. The court-room was just as crowded if not more so than in the morning and the audience consisted of pretty nearly the same persons. Col. Field resumed his cross-examination as follows:

Col. F. What time did you get out of bed?

Witness. It was about five o'clock in the morning, as well as I can recollect.

Col. F. Did you go to bed after that?

Witness. No, sir.

Col. F. Did you dress yourself at once?

Witness. I half dressed myself in the next room, and then sat down, crying.

CATHARINE AND SARAH.

Col. Field. Where was the girl?

Witness. She was fanning Mr. Weaver in the bed.

Col. F. Did you return to the room where Mr. Weaver was in bed after that?

Witness. I was several times in the room after my clothes before I left.

Col. F. What time did you leave?

Witness. I left the house about two o'clock in the afternoon.

Col. F. Where were you during all that time?

Witness. I remained most of the time in the room that the girl first told me I should sleep in.

Col. F. Did you eat breakfast in that room?

Witness. The girl and myself took coffee in the dining room, the one next to the bed room.

Col. F. Did you not eat breakfast there?

Witness. I ate soda crackers, but did not eat any meat, because it was Friday.

At this point District Attorney M. M. Reynolds, who had come into the court-room but a few minutes before and sat near the counsel for the prosecution, watching the case with some interest, arose and after excusing himself to counsel for the interruption proceeded to address the court in vindication of the witness from the extent to which counsel had gone in cross-questioning her. He had no intention, he said of taking part in the case, in fact he knew nothing about it and had dropped in out of mere curiosity, as "a looker on in Venice," but he had observed the tendency of the defendant's counsel to go beyond legal limits in his interrogations. Of what moment to this case was it whether the girl ate only soda crackers because it was Friday? Was there a religious question to be made? It was the right of the counsel to interrogate the witness upon all material points involved in the case but he had no right to push them farther merely to wound her sensibilities and embarrass and annoy her. Lawyers are too apt to go beyond their limits with witnesses and it is the duty of the court to interfere for their protection. This speech, which was a spirited one and timely to the feelings of the auditory caused them to forget the proprieties of the place and they greeted Reynold's words with two successive rounds of applause which made the officers cry out, "order! order!" indignantly.

Col. Field replied in a calm and measured tone. It was far from his intention or desire, he said, to wound the most sensitive nature or to ask a single question

that was not necessary and pertinent to the case, but he had his duty towards his client to perform and he should do it unflinchingly and claim every right that belongs to counsel in a court of law. His client appeared to be very unpopular at the present time; he had acted wrongly, inexcusably; he might be a very bad man; but it does not follow from that, by any course of reasoning, that he was guilty of this charge of rape, and he was entitled to as fair and a full trial and to all the advantages for acquitting himself that would be accorded to any other citizen of the community.

Mr. Blocker now arose and took every one in the court by surprise by denying the right of Col. Field to be present at all; denying the right to cross-question the State's witnesses or to introduce witnesses for the defence. He went into an elaborate, able and very interesting argument to prove that a committing magistrate's duty was simply to take ex parte testimony and to judge upon that whether there was sufficient evidence against an accused party to warrant his committal for trial before a competent court of jurisdiction.

Up to the time of Philip and Mary, said he, the defendant had no right to counsel in his behalf, the court being considered his counsel. A Recorder's court is a statutory court and its duties and powers are fixed and limited by the legislative enactments on the subject. He read from the State Statutes to prove that nothing was said about admitting testimony for the defence in preliminary examinations and therefore, as this court has no powers except those fixed by law, it could not admit exculpatory evidence. Coming down to the case in question, Mr. Blocker referred to its features digressively and launched forth into a severe philippic against the accused, which brought forth a storm of applause from the auditory. The officers of the court shouted, "order! order!" and Lieutenant Boylan directed the arrest of one of the applauders as an example to the rest and a warning to them to observe decorum for the future. The party arrested was Mr. M. J. Brenan. He was taken down stairs and locked up but in a few minutes afterwards, upon the application of several of his friends, Recorder Emerson wrote an order for his release and he was set at liberty. This little incident had the desired effect and after that, throughout the whole proceedings, there was perfect order maintained and no uttered expression of feeling.

When Col. Field arose to reply, Mr. Blocker denied even his right to speak in answer because he claimed that under the law he had no right to be there at all. This led to sharp and spicy interchanges between the counsel which are no part of the history of the case at issue. Recorder Emerson decided that Col. Field could reply to the law quoted against him and he did so in a speech of considerable length, quoting as his main point Justice Preston's decision on the appeal to the Supreme Court from Judge Bright's Court, in which that magistrate had refused to take down the testimony for the defence in writing but was required to do so by the decision of the Supreme Bench.

The District Attorney had left the court-room and did not take part in this argument but Mr. Blocker replied to Col. Field, taking the ground that a new constitution had been framed since the decision of Justice Preston had been given, and that anyhow it could only govern Justices of the Peace and had no relation to Recorders' Courts which had been organized for special purposes in the parish of Orleans only, by the State Legislature. It was now about nine o'clock and it was agreed that as Col. Field had but a few more questions to ask the witness he could do so then. The cross-questioning then continued.

CONCLUSION OF HER TESTIMONY.

Col. F. After you left the room where did you go?

Witness. To the dentist's on Canal street, being followed by Mr. Weaver's brother.

Col. F. Did you say anything about this affair to the dentist?

Witness. No, sir. He insisted upon my telling him what was the matter with me, but I refused.

Col. F. Did you look in at Mr. Weaver's office in going out?

Witness. I passed the office of Mr. Weaver in going out of the house. I saw gentlemen in the office next to his?

Col. F. Were you never in Mr. Weaver's office before that Thursday?

Witness. Never, sir.

Col. Field. Why did you go into the dentist's office?

Witness. I went in there to avoid the brother of Mr. Weaver. I was afraid of him. I did not want him to follow me to where I lived. I did not wish to be disgraced.

Col. F. Did you know at the time that the man following you was Mr. Weaver's brother?

Witness. I did not know it was Mr. Weaver's brother until the officer pointed him out to me.

Col. Field. Did you not borrow a chemise from the girl who staid in the house?

Witness. No sir.

Col. Field. Did you show your chemise or underclothing to any of your female acquaintances that day?

Witness. I did not.

Col. Field. Who washed your clothes?

Witness. I washed my own clothes.

Col. Field. Where did you wash them?

Witness. At the place where I lived, on St. Louis street.

Col. Field. Did you not ask Mr. Weaver for some money?

Witness. No sir, I did not.

Col. Field. Have you ever spoken with any person whatever on the subject of obtaining money from Mr. Weaver?

Witness. No sir, never.

The Court now adjourned to Friday, July 5th, at five o'clock, P. M. The Weavers and Sarah, it appears, were afraid to trust themselves again among the crowd in going home from court after Weaver's little contretemps in the lower hall that afternoon. They passed down by the back staircase into the lockup and applied to Lieutenant Boylan for protection. A number of officers offered to escort them home, and did so, although there was no sign of any demonstration against their safety.

On Friday evening all parties were again in the court room and this time the crowd and their intense eagerness to hear every word of the testimony were greater than ever. They could not be kept in their seats but edged up toward the witness stand until the front rank were leaning against the backs of the lawyers' chairs. The case for the State being concluded Sarah McNeil was brought up to give her testimony for the defense. She was as cool, collected and unmoved as Catharine and gave her testimony in a straight-forward and assured a manner. She was quite as prompt and ready, only hesitating when she was pressed as to what she was hired for and what she was doing for Weaver, evidently not wishing to acknowledge so directly that she was his mistress. Being duly sworn she deposed as follows:

SARAH'S IDEA OF THE CASE.

Col. Field. What is your name?

Witness. Sarah McNeil. (She writes it "Sarah Mackueal," an evidence of its not being genuine, as even illiterate persons who can write their own name, almost invariably write it correctly.)

Col. F. Where do you live?

Witness. At the corner of Natchez and Magazine streets.

Col. F. How long have you lived there?

Witness. Since March last.

Col. F. Do you know the prosecutrix in this case?

Witness. I do.

Col. F. When did you see her first?

Witness. It was on a Thursday, about three o'clock, in the corner of Natchez and Magazine streets, up stairs, where I live.

Col. F. What did she say there?

Witness. She said to me that she was going to stay with a gentleman who wanted a girl.

Col. F. Did she take dinner and supper there?

Witness. She did. The gentleman was in and out on several occasions.

Col. F. What gentleman?

Witness. Mr. Weaver.

Col. F. Did you observe the conduct of Mr. Weaver and Catharine Lahenny that evening? If you did, state to the court what you saw.

WHAT SARAH SAYS OF CATHARINE.

Witness. Mr. Weaver sat on the sofa and Catharine sat beside him, and he sang a little song, and she leaned her head on his shoulder, and she put her arm around his neck, and he put his arm around her waist. Mr. Weaver asked Catharine to kiss him and she kissed him. Mr. Weaver kissed Catharine. They were laughing and fooling on the sofa till about dark. About dark Mr. Weaver went out and did not come home until about nine o'clock. We were both in bed and left the light burning. Mr. Weaver sat down, conversed a little while and sang another little song. When he was ready to come to his bed he asked Kate if he would blow out the light. She said yes, she preferred sleeping in a dark room. He came to bed and got in the middle. Catharine made no objection, but was tickled to death. In the morning I got up and left them both in bed. They were lying close together, face to face, and in each other's arms. They staid in bed until about twelve o'clock; then they both got up. Kate and me ate breakfast together. At the breakfast table Kate said to me she would get seven dollars out of the old bugger. She told me not to stay there, to go with her. She told me she was acquainted with a young man who told her he would take a house up town if she would live with him. That she would not sleep with any man for less than two dollars and a half, as it would spoil the business of other girls.

Col. Field. How long did she stay?

Witness. She staid until about two o'clock on Friday, bid me good evening and left.

Col. F. In which room did you sleep?

Witness. I slept in the front room on the corner of Magazine and Natchez streets. We all slept there.

Col. F. How many windows has that room?

Witness. Six.

Col. F. Do the windows open on the gallery?

Witness. They do.

Col. F. Were the windows down or up that night?

Witness. They were up.

Col. F. Where was Mr. Weaver when the girl went away?

Witness. He was down stairs in his office.

This concluded the examination in chief and the witness was turned over to the counsel for the prosecution for the purpose of a

CROSS-EXAMINATION.*

Mr. Coleman. How old are you, Sarah?

Witness. I am sixteen years of age.

Mr. C. Have you any parents or guardians in the city?

Witness. No, sir.

Mr. Coleman. Have you not an aunt or an uncle?

Witness. Neither aunt nor uncle. I have a sister living somewhere, but I don't know where she is. I have not seen her since I was six years old.

Mr. C. Where were you born?

Witness. I was born and raised in this city.

Mr. C. Where were you living before you went to Mr. Weaver's?

Witness. I lived at the corner of Bacchus and Thalia streets, with Mrs. Armes. Mrs. Armes stays with her mother. I was there as one of the family.

Mr. C. How long did you remain there?

Witness. Eight weeks.

Mr. C. Where did you live before that?

Witness. On Felicity road, between Bacchus and Dryades' streets, with Mrs. French.

Mr. C. What were you doing there?

Witness. I was doing house work.

Mr. C. How long were you there?

Witness. Three months.

Mr. C. Where were you before that?

Witness. I was with Mrs. and Mr. Crenshaw for eight years in Jefferson City.

Mr. C. What business is Mr. Crenshaw in?

Witness. He is a carpenter.

Mr. C. What were you doing there?

Witness. I was living there as one of the family.

Mr. C. Were you there under wages?

Witness. No. I was only getting my clothes.

Mr. C. How old were you when your mother and father died?

Witness. I was seven years old.

Mr. C. Are these the only places you were ever in?

Witness. The only ones except Mr. Weaver's.

Mr. C. Were you ever in the House of Refuge?

Witness. No.

HOW SARAH GOT INTO WEAVER'S HOUSE.

Mr. C. How did you come to go to Mr. Weaver's?

Witness. I met a woman named Jane on the street while I was looking for a place, and she first brought me there.

Mr. C. Where did you meet this woman?

Witness. It was about Second street.

Mr. C. Did she accompany you to Weaver's house?

Witness. She did.

Mr. C. Did she go into the house with you?

Witness. Yes.

Mr. C. Did she introduce you to Mr. Weaver?

Witness. She took me up stairs into the room and I saw Mr. Weaver there. She remained there with me.

Mr. C. How long did she remain there?

Witness. She remained there for two weeks after I went to the house and then left.

Mr. C. Was the girl living there?

Witness. She was.

Mr. C. What was her name?

Witness. The only name I ever knew for her was Jane.

Mr. C. Where is she now?

Witness. I do not know.

Mr. C. How old was she?

Witness. She was a woman, I think, of about thirty years of age.

Mr. C. What was she doing there?

Witness. She was living in the house and doing the work of Mr. Weaver.

Mr. C. What kind of work did she do for Mr. Weaver?

Witness. She cooked two meals a day for him while she was there.

Mr. C. Is that all the work she did for him?

Witness. That's all the work she did for Mr. Weaver except what she did for herself.

Mr. C. Who did your sewing?

Witness. I sewed my own clothes.

Mr. C. Did you have a great deal to do?

Witness. No, I did not have much to do.

WHAT SARAH IS HIRED FOR.

Mr. C. What are you hired for?

Witness. I am hired to cook two meals a day and to clean up the house.

Mr. C. When the woman Jane was there, where did you sleep?

Witness. She slept in the kitchen!

Mr. C. Where did you sleep?

Witness. I slept with Mr. Weaver.

Mr. C. Are you married to Mr. Weaver?

Witness. No, I am not.

Mr. C. Have you slept in the same bed ever since?

Witness. I have.

Mr. C. Have other women subsequently slept in the same bed with Mr. Weaver and yourself?

Witness. Yes, two or three have.

Mr. C. Did you go to bed voluntarily with Mr. Weaver the first time, or were you forced by him?

Witness. I went voluntarily into bed with him.

Mr. C. Have you staid with any other man before you did with Mr. Weaver?

Col. Field. I object to that question.

Mr. C. I waive it then. (To the witness:) When Catharine came to the house did she not enquire of you the character of the place?

Witness. No. She told me she was going to stay there. She did not ask if it was a proper house.

Mr. C. Have you not felt jealous towards the other girls whom Weaver brought into bed with you?

Witness. Yes, I was jealous of Kate (meaning the prosecutrix) and another girl.

Mr. C. Now tell me, have you not had conversation with Mr. Weaver since his arrest about this case? Remember, you are under a solemn oath!

The witness glanced around toward Weaver, who was sitting in front and a little to the right of her, beside his counsel, but Mr. Coleman at once perceived her straying glance and quickly and emphatically said: "Don't look at Mr. Weaver. Answer me that question, and remember that you are under oath!" Sarah immediately returned her gaze steadily upon Mr. Coleman's eyes and answered firmly: "No!"

SHE NEVER SPOKE OF THE CASE.

Mr. C. Have you ever had any conversation with any other person about this case?

Witness. (For the first time appearing annoyed, and in a slightly peevish tone.) No! I tell you.

Mr. C. Since the arrest of Weaver have you been staying with him?

Witness. Yes, I have.

Mr. C. And sleeping in the same bed with him?

Witness. Yes.

Mr. C. And has he never referred to this case or mentioned a word about it to you while you were in bed together?

Witness. No.

Mr. C. Since his arrest has he made you any presents or promised you any, or offered you any reward?

Witness. No.

Mr. C. Has he given you any money whatever, or any jewelry or dresses?

Witness. No.

Mr. C. Do you intend to continue staying with him?

Col. Field. I object to that question.

Mr. C. Well, I waive it of course. (To the witness. :) Have you ever stated to any one that you were bound to testify to whatever Mr. Weaver directed you to do?

Witness. No.

Mr. C. Did you not tell Catharine that she was not the first woman ruined in that house?

Witness. No, we did not speak of anything of the kind.

Mr. C. Have you not stated to Mr. Aleck Moynan, an officer of this court, that you were bound to tell anything that Mr. Weaver told you to, that would get him out of this difficulty?

Witness. No.

The cross-examination of Sarah being concluded, Recorder Emerson announced that he should continue the case until Monday, July 8th, at four o'clock, P. M., punctually.

Monday afternoon came and the crowd in the Recorder's Court was greater than ever. It was useless to attempt to hold the outer gate after the seats were all occupied; so many poured up against it accosting the officer with the sweetest of smiles and the most insinuating plea for admittance one by one that his heart melted before them and soon the whole room was packed with the people, while a military company, in full strength and accoutrements, blocked up the upper window that opens upon the passage leading to the drill room above stairs. The weather was of the hottest description imaginable, and the perspiration almost steamed off of the curious crowd and arose to the ceiling in any but fragrant clouds. Handkerchiefs were decidedly at a premium and they could be seen in every style and variety through the swaying, living mass, traversing and re-traversing the sweaty brows, cheeks and necks of their boiling owners. With their quickly accumulating moisture they were soon in the same state that Catharine describes her night clothes after lying all night in Weaver's fiery embrace. Although the case had been set for four o'clock, it was after five when Recorder Emerson made his appearance and took his seat.

The counsel for the prosecution had given the court a long list of witnesses, including some of our first citizens, to be subpoenaed, that their evidence could be taken on this occasion as rebutting testimony, to prove that Sarah was nothing more than a common little strumpet, and thus destroy any weight that might attach to her story. Which of these witnesses were to prove such a character for Sarah or whether any or all of them were to do it will not be positively asserted here. The nature of their evidence will be seen when they are called up in court to testify. The Recorder having directed their names to be called they were told off by the clerk, as follows:

Mr. Finley, Mr. Bloom, Mr. X. Lambert, Mr. Commagere, Mr. D. E. Morphy, Mr. M. J. Brenan, Mr. Crickard, Lieutenant Boylan, Mr. Couris, Dr. Moss, Mr. T. M. DeMott, Mr. Montgomery Watson, Mr. Joseph Ross, Mr. Robt. Meyer, Mr. Victor Savage, Mr. Robert Ayles, Mr. A. McMahon, Mr. L. Filley, Mr. F. Cöeler, Mr. N. M. Benechi.

Of this number only three, Messrs. Finley, Brenan and Ross, answered. A general look of surprise was evident upon the countenances of the auditors. That one or two should be absent would not have seemed strange, but that out of twenty witnesses summoned seventeen should have refused to obey the order was really surprising. What reason could they have had for staying away? It was a case in which a man's life hung upon the result.

After some explanation between Mr. Coleman, the Recorder and the clerk as to the manner in which the witnesses had been served with the subpoena, Mr. Coelman asked for attachments to bring into court Messrs. F. Cöeler and N. M. Benechi, as he said they were very important witnesses for him. The Recorder directed the clerk to make out the necessary attachment, when Col. Field arose.

He remarked that he had certainly understood the prosecution had closed with their evidence on Friday evening, and consequently it would not be proper to admit more testimony in chief for them. They could only introduce rebutting testimony at this stage of the case. If the witnesses whose names had been called were for the purpose of contradicting or invalidating Sarah's evidence, then they would be admissible.

Mr. Coleman replied that they had a right to introduce rebutting testimony at any stage of the case, and that all of the witnesses whose names he had handed in were for that purpose.

WEAVER ABANDONS THE CONTEST.

Col. Field then arose and spoke to the following effect: "To make a short story out of a long one; and to relieve your Honor from being further taxed in this case, which has been protracted to such an unexpected length, and which it appears the gentlemen propose to make still more lengthy, I will ask your Honor to commit the accused for trial before the First District Court. This will place the case at once before the final tribunal in the matter, and I do it to save time, not that I have the least doubt of what the result would be in this court."

This unexpected and sudden termination of the examination took every one by surprise and there was a dead pause for about a minute which was broken by Mr. Coleman's remarking: "Well, we are satisfied, of course." The Recorder said: "Well, I suppose if there is probable cause I am bound to commit him for trial." Mr. Coleman interposed that if the accused was anxious to avoid the rebutting testimony, which would crush out every vestige and hope of the defence, they were perfectly at liberty to waive a further examination. Col. Field replied that he was not at all alarmed at the array of witnesses brought forward by the prosecution but the accused would be more satisfied by a complete vindication of himself before the final tribunal. Mr. Blocker remarked that he approved of his friend's course highly in bringing to a close this investigation which was exciting the public mind to so high a pitch against his client as every further development came out. Col. Field answered rather tartly that he did not care one iota what the opinion of the gentleman was in the matter: he had acted without any regard to the obtaining of that gentleman's approval.

WEAVER HAS TO GO TO PRISON.

The Recorder here observed: "I commit the accused for trial before the First District Court." Col. Field remarked: "Please endorse the paper as having done so at the request of the counsel for the accused." Mr. Coleman then interposed: "If your honor does so, please add: and with the consent of the counsel for the prosecution." Col. Field did not see what their consent had to do with it. If he chose to waive the examination he could do so. Mr. Coleman said it had all to do with it. They had rebutting evidence to offer and it was their right to present it then if they chose. They had three witnesses present but have waived the examination of them. The Recorder endorsed the affidavit as requested by both parties.

Col. F. What is the amount of bail your honor deems necessary?

Recorder E. I cannot admit Mr. Weaver to bail.

Col. F. (with a slight exhibition of astonishment.) Why, your honor has the warrant of Judge Collens to do so.

Recorder E. I will read you the order of the First District Court. (He reads it)

Now if I commit him for trial it is evident that there must be presumption sufficient, therefore I do not feel authorized to admit him to bail. He must go to prison to-night and you can take means for his release by habeas corpus or other means to-morrow.

Mr. Weaver was now called within the bar of the court and taken charge of by the officers, while the crowd in the court-room slowly dispersed, evidently disappointed at not hearing some more witnesses.

This is the end of the case for a number of months at least, as the First District Court stands adjourned for the summer and there are a number of other cases before it on the docket for the fall term.



